



**Speech by Jessica Mosbahi, *medica mondiale*,  
on occasion of the UN Panel Meeting:  
AFGHANISTAN WOMEN & GIRLS TODAY - REALITIES & CHALLENGES  
at the UN Human Rights Council in Geneva on 09 June 2011**

Dear Ladies and Gentlemen,

First of all let me thank you for giving me the opportunity to speak at this UN Panel on Women and Girls in Afghanistan today.

I am representing the German-based women's rights organisation *medica mondiale* which supports women and girls in war and crisis regions who survived sexualised or other forms of gender-based violence.

*medica mondiale* was founded by Dr. Monika Hauser, winner of the 2008 Right Livelihood Award, during the war in Bosnia and Herzegovina in 1993. With the creation of a women's therapy centre in Zenica Monika Hauser and her colleagues reacted on the countless mass rapes which were ignored by other international NGOs and political institutions.

With regard to Afghanistan, *medica mondiale* took the chance to build up a project in Afghanistan in 2002 in the cities of Kabul, Herat, Mazar-e-Sharif and Kandahar after the fall of the Taliban. This project became an independent Afghan NGO in December 2010 called *Medica Afghanistan – Women's Support Organisation*.

As our colleagues from Afghanistan cannot be present today, I would like to present their work to you on their behalf and to give you an impression of the current situation of Afghan women and girls as we experience this from our daily cooperation with our Afghan colleagues.

The director of *Medica Afghanistan*, Humaira Ameer-Rasuli, who visited Germany two weeks ago, put it this way:

*“After ten years of democracy in Afghanistan there are only few democratic shelters. Women do not feel any kind of real liberty. We are not allowed to say what we think. Women do not play any role in the Afghan society. Their civil rights as citizens of Afghanistan are neither acknowledged nor respected.”*

However, newspaper articles about the situation of Afghan women and girls often draw a different picture and provide the impression that there has been a huge improvement for Afghan women's lives since 2001. Especially with regard to education for girls, representation of women in politics and health care facilities.

Sure, it is impressive and welcome to hear that the number of girls enrolled in school raised from 5000 under the Taliban to 2.4 million today. But at the same time one has also to take into account that since 2006 efforts to improve education for girls have been decreasing and according to a recently published study from different Afghan and international organisations and institutions have nearly run out of steam within the last five years. Additionally, of the 2.4 million girls who were enrolled at school, about 20% of those did not attend classes regularly.

Not to forget the acid attacks on girls schools within the last year which demonstrate a dangerous tendency of attempts to cut back girls' and women's rights.

In general, if you take a closer look you will see that there are not only huge obstacles women and girls in Afghanistan still face in all areas of life but that their situation is deteriorating again and that basic human rights of women and girls are endangered.

Allow me to present to you some facts and figures on this:

- Only 6% of Afghan women aged 25 or older have ever received any formal education and just 12% of women aged 15 or older are literate.
- Around every 30 minutes a woman due to pregnancy-related complications dies.
- Only 14 per cent of the birth are supervised by competent health personnel.
- Nearly 60 per cent of the girls are married before the legal minimum age of 16.
- 60 to 80 per cent are forced into an unwanted marriage.

In general:

- Domestic violence is an ever-present problem, both in massive physical and psychological forms.
- Rape is a problem in all parts of the country and in all social classes, the majority of women who are raped is between 10 and 20 years of age – although it is difficult to

obtain correct numbers as only very few women speak about their experience because of the social stigma of being raped.

- Women and girls face threats, harassments and attacks in public life and women activists even have to fear that they are murdered as the assassination of Sitara Achakzai and Malalai Kakar showed.
- The traditional conflict resolution mechanism of 'Baad' is widespread: This means that women or girls are forced into a marriage by their relatives as compensation for an injustice which was done by her family to someone else.
- One consequence of forced and child marriage and the permanent physical and psychological violence is the suicide by self-immolation.

This enumeration is not conclusive but gives an overview of the main problems Afghan women and girls still face.

As mentioned above, *Medica Afghanistan* tries to contribute to the improvement of Afghan women's lives since 2002.

By using a holistic work approach, *Medica Afghanistan* offers direct services to women and girls and simultaneously carries out advocacy work to sustainably change the political and social situation for Afghan women.

The direct services focus on

- Psycho-social counselling for women and girls who experienced sexual and other forms of gender-based violence;
- Legal representation and counselling for women and girls in prison or for those seeking divorce from violent marriages;
- Mediation for families to find peaceful solutions;
- Advanced training for health personnel and other professionals, like for example in trauma-sensitive work approaches.

The Advocacy work aims at complementing the direct services by direct political lobbying towards the Afghan Government and awareness raising activities within the Afghan society. For example, *Medica Afghanistan* has carried through a registration of marriage campaign in order to fight the widespread occurrence of child and forced marriage and gives training to Mullahs and judges about the registration procedure.

Due to this work *Medica Afghanistan*

- Gave psycho-social counselling for 2300 women;
- Supported 8000 women in criminal cases and with legal advice;
- Trained 440 staff of medical and social jobs in trauma-sensitive work approaches;

- Trained 35 judges and 36 Mullahs in the topic of marriage registration.

In this regard, *Medica Afghanistan's* work can definitely be regarded as a success despite all the obstacles we faced during the nationalisation process. And we could observe within the last nine years – not only from the cooperation with our colleagues – but also when pursuing the work of other engaged Afghan women's rights organisations and activists that there has arisen a strong Afghan women's movement fighting for their rights against all odds.

Thus, we record a two-fold development with regard to the situation of women in Afghanistan: On the one hand many well educated women took the chance in 2001 and engaged within their different fields of expertise for women's and girl's rights and for the improvement of Afghan women's living situation. Women's networks have been developed and their visibility on the political stage has been increased a lot. On the other hand, conservative tendencies within society are raising and constitutionally guaranteed rights are undermined by courts and the Afghan Government itself.

In general, developments within the legal field are most useful to illustrate the attempts of hardliners to cut of women's rights step by step.

Perhaps some of you remember the adoption of the so-called 'Shia law' in 2009. The law was passed before the presidential elections in August 2009 and it was said that President Karzai accepted the law to gain the votes from the 10 per cent male Shia population in Afghanistan. The law which inter alia allowed Shia men to deny their wives food and sustenance if they refuse to obey their husbands' sexual demands was finally amended due to heavy international pressure. However, the new legislation still contains women-discriminatory passages and the adoption of the original version by President Karzai exemplified very obviously that respect for women's rights and their constitutional rights may be denoted as more than low.

During the spring of 2010, the Council of Ulema (whose representatives are religious scholars) decided an edict consisting of three articles which – inter alia - stated that women travelling to a destination far away from their home should not travel without a mahram (a male companion), even if their trip would lead them to Mecca for pilgrimage as such behaviour would be against the Sharia and considered as a punishable crime.

The edict further stated that women employees of foreign organisations working in the same room with a foreign man, should not forget that the Prophet has said that if a man and a woman is left alone somewhere, the third person will be the Satan/devil who makes them sexually attracted to each other.

Let me give you another example: The so-called Run-away-edict of the Supreme Court, which was adopted in October 2010, is in the same line as it threatens women and girls with punishment in case they flee their homes because of violence if they run to a foreigner's place. By the way, a foreigner's place in this context includes international women's shelters as well. The alleged reason of this edict is that women and girls running away from home to a stranger's place might commit adultery.

The negative coherence of this jurisdiction becomes visible when one looks at the so-called Shelter regulation which was drafted a short time after the Run-away-edict had come into effect. The draft shelter law aimed on depriving international and Afghan NGOs of their rights to run shelters for Afghan women and girls and to convey the sole sovereignty to the Ministry of Women's Affairs. As justification of this law a superficial reason - namely a better coordination of all shelter activities within Afghanistan - was mentioned. The law itself, however, contained provisions, which curtailed the rights of the women seeking shelter in the safe houses and would have exposed them to unworthy procedures, like for example being examined by a team of doctors before being admitted to the Shelter. For a reason, Afghan women's rights activists assumed that this medical examination aimed at finding out whether the woman or girl is still a virgin or not. Besides many other alarming provisions which I do not want to mention here, the Ministry of Women's Affairs would simply not be able to coordinate and organise the Shelter's work as it has not shown any interest or specific knowledge on this so far.

A huge media campaign against women shelters in Afghanistan defaming them to furthering prostitution helped to put the public mood at odds with the shelters and led to a governmental examination of their work which led to the mentioned draft law.

Fortunately, because of a closed action of Afghan women's rights activists and lots of international pressure, the Afghan Government revised the law. Our Afghan colleagues informed us that many provisions have been changed to women's favour and that the Afghan Government has refrained from taking the lead of the shelters. An agreement between women's representatives and the Ministry of Justice has just recently been signed concerning the new regulation and shall be adopted soon.

The Elimination of Violence against women law and the draft Family law, however, seem to be positive achievements at first sight as both laws strengthen women's rights and protect them from violence. But if you take a second glance, you will recognise that these achievements are far from being secured. The implementation of the Elimination of violence law, however, has been recently suspended, as formal legislative mistakes have been recognised. Women activists now fear that the revision of the law will be taken as a chance for conservative forces within the Afghan Government to change the law to the detriment of women. The draft family law is waiting

for the approval of the Ministry of Justice since months. Two weeks ago, the Minister of Justice admitted that the adoption of this law is no priority for him. Thus, no-one knows whether and when the law will be adopted.

Concluding, one can say that within the last years, attempts were made to improve legislation concerning women's rights and protection. However, neither the constitutional rights guaranteeing women equal treatment before the law nor other women-friendly national laws could bring real change to the situation of women and girls.

Conservative interpretation of the Sharia by judges and Islamic scholars which interferes with the coherent implementation of national laws, far too few educated court personnel, nearly no women in high positions within the justice sector and the widespread problem of bribery are some of the biggest problems for a sustainable construction of the Afghan judiciary.

The problem of too few women in high and influential positions does not only concern the justice sector. Although quotas reserve seats for women in the Wolesi and Meshrano Jirga, women have little influence in other institutions, like for example in the Ministries and in law-making bodies.

Women's participation is also not realised when it comes to peace and security issues. Despite the ratification of UNSC Resolution 1325 by Afghanistan, women are rarely visible in the current peace process.

Only with lots of pressure from Afghan women activists one-fourth of the 1600 seats at the Peace Jirga in Kabul, which took place in June 2010, were given to women which was not envisaged originally. However, these women representatives were not allowed to give a speech during the conference.

One result of the Peace Jirga was the creation of the High Peace Council in September 2010. The High Peace Council is an independent body which has the lead for negotiating a settlement with the Taliban. Among the 70 members, of whom many are former war-lords, only 10 are women. The small number of women alone leaves doubts as to whether the topic of women's rights and needs will be paid attention to.

Although one of the so-called red lines for negotiations with the Taliban is the acceptance of the Afghan Constitution and the therein guaranteed women's rights, Afghan women's activists fear that women's rights will be sold out in favour of a peace agreement. Especially in times like these, when the date for withdrawal of international military is determined.

These fears have been confirmed when a delegation of the High Peace Council travelled to Pakistan in January this year to discuss Pakistan's role in the Afghan peace process, no women member of the Council has been present.

Let me conclude my speech with the following thoughts:

Currently, the world is looking forward to the Bonn II Conference in Germany which is intended to take place in December of this year. Rumours of talks between Afghan Government representatives and Taliban representatives circulate, the International Community plans its military withdrawal and phrases of the transfer of responsibility to the Afghan Government are on everyone lips.

The time left until the Bonn II Conference at which Afghanistan's future will be discussed ten years after the first conference took place in 2001, is slight, and women activists ask themselves whether they will be included into the transfer-process at this time. At the time being, their wishes, their needs and their demands have not been inquired by anybody.

Despite the words of United Nations General Secretary Ban Ki-moon in September 2010 in context with the implementation of the UNSC Resolutions 1325, 1888 and 1889 on women, peace and security that *"We must put women at the front and centre of peace processes – in negotiations and mediation, post-conflict governance and reconstruction"* no such efforts can be seen in Afghanistan so far.

Our Afghan colleagues and we therefore fear that the small achievements for women and girls might be at stake and we fear that the stabilisation of Afghanistan will not be able at all when the widespread violence against women and girls is not reduced and their rights will not be accepted in future.

Let me conclude with another quotation of Humaira Ameer Rasuli:

*"We were full of hope for a better future. And many of us have worked to improve the life of the women. But now it is getting more and more difficult each day to continue this work. It is quite simple: If the international community does not support us, then we are unable to continue."*

Thank you very much!

**medica mondiale e.V.** is an international operating aid and women's rights organisation supporting women and girls in war and conflict regions. In the framework of own projects as well as cooperation with local women's organisations, **medica mondiale** provides local medical support, psychosocial and legal counselling as well as programmes ensuring basic needs to women affected by violence. On the political level, **medica mondiale** actively advocates for the enforcement of women's rights and interests, demands consistent punishment of crimes as well as effective protection, justice for and political ownership of survivors of violence.